

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

STEPHEN C. WALKER

PLAINTIFF

VS.

CIVIL ACTION NO. 5:06-CV-154-KS-MTP

CONSTANCE REESE, ET AL.

DEFENDANTS

ORDER ON MOTIONS

THIS PRISONER CIVIL RIGHTS MATTER is before the court on the plaintiff's various motions. Having considered the motions and the entire record in this matter, the court finds and orders as follows:

1. Plaintiff's motion to sever [44] is denied.
2. Plaintiff's motion for subpoena [50] is denied as premature. After the court rules on defendants' pending motion for summary judgment, plaintiff may re-urge this motion at that time.
3. Plaintiff's motion for a court order allowing plaintiff to correspond with other federal prisoners for case-related reasons [65] is denied. Plaintiff has not attempted to use the established procedures of the Bureau of Prisons ("BOP") or the Texas Department of Criminal Justice ("TDCJ") to correspond with the inmates identified in his motion. Plaintiff must follow these procedures and attempt to resolve the matter with the BOP and TDCJ before requesting this court's intervention.
4. Plaintiff's motion to disregard plaintiff's motion to file first amended complaint, or in the alternative, to grant the plaintiff's motion as a matter of right [63] is granted. Plaintiff's First Amended Complaint, attached to his motion to amend complaint [47-2], shall be deemed

filed as of this date. The previously-named defendants will have sixty (60) days from the date of this Order to file their answer or other responsive pleading to the First Amended Complaint. The newly-added defendants shall file their answer or other responsive pleading within the time specified in the Federal Rules of Civil Procedure.

5. Plaintiff's motion to amend/correct complaint [47] is dismissed as moot.
6. Plaintiff's supplemental motion to issue summons and/or process [66] is granted.

The United States District Clerk is hereby directed to issue summons to the defendants,

**Lieutenant Bobby G. Raines
2225 Haley Barbour Parkway
Yazoo City, Mississippi 39194**

**Ray E. Holt, Southeastern Regional Director
3800 Camp Creek Parkway S.W.
Building 2000
Atlanta, Georgia 30331**

**Craig Coil
United States Penitentiary
4700 Bureau Road South
Terre Haute, Indiana 47802¹**

The Clerk is directed to attach a copy of this Order to each First Amended Complaint [47-2] that will be served on the named defendants. **The United States Marshal shall serve the same pursuant to Rule 4(e) of the Federal Rules of Civil Procedure.**²

¹ Defendants object to a subpoena being issued to Mr. Coil because he previously was dismissed as a defendant by this court's order dated January 26, 2007 [12]. The reason for his dismissal was that plaintiff's original complaint only asserted claims against Mr. Coil under the Federal Tort Claims Act ("FTCA") - and, under the FTCA, all suits must be brought against the United States only. However, in the proposed amended complaint, plaintiff appears to be asserting a constitutional claim against Mr. Coil.

² A previously-entered order of this court [9] granted the plaintiff *in forma pauperis* status.

7. The United States District Clerk shall serve, by certified mail (see Rule 4(i) of the Federal Rules of Civil Procedure), a copy of the summons and First Amended Complaint [47-2] along with a copy of this Order upon the following:

CIVIL PROCESS CLERK RENEE YANCY
United States Attorney General
for the Southern District of Mississippi
188 E. Capitol St., Suite 500
Jackson, MS 39201

ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA
10th Street & Constitution Avenue
Washington, D.C. 20530

8. Plaintiff's motion for issuance of summons [52] is dismissed as moot.

SO ORDERED on this 11th day of October, 2007.

s/ Michael T. Parker

United States Magistrate Judge